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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA

8 Washington Mutual Bank,

9 No. C V08 1407 EMC

10 Plaintiff(s),

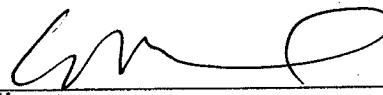
11 v.
12 Fidelity Capital Funding, Inc.,
13 Defendant(s).
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15 CONSENT TO PROCEED BEFORE A
16 UNITED STATES MAGISTRATE JUDGE

17 In accordance with the provisions of Title 28, U.S.C. Section 636(c), the undersigned party
18 hereby voluntarily consents to have a United States Magistrate Judge conduct any and all further
19 proceedings in the case, including trial, and order the entry of a final judgment. Appeal from the
judgment shall be taken directly to the United States Court of Appeals for the Ninth Circuit.

20 Dated: 6/11/08

21 Signature

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23 Counsel for Fidelity Capital Funding
(Plaintiff, Defendant or indicate "pro se")

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FEDERAL COURT PROOF OF SERVICE

Washington Mutual Bank v. Fidelity Capital Funding, Inc.

United States District Court - Northern District No. CV 08 1407 EMC

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to the action. My business address is One Sansome Street, Suite 1400, San Francisco, California 94104. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On June 11, 2008, I served the following document(s): *CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE*

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

Noel C. Johnson, Esq.
Office of the General Counsel
Washington Mutual Bank
201 Mission Street, 12th floor
M/S CSSF112
San Francisco, CA 94105
Telephone: 415-278-4527
Facsimile: 415-278-6012
Counsel for Plaintiff **WASHINGTON
MUTUAL BANK**

The documents were served by the following means:

(BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 11, 2008, at San Francisco, California.

Rosa Dalle

ROSIE NEBREDA